IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

IN THE MATTER OF)
DORRIS GENE PANTHER,) No. 95P-214
Soc. sec. # [redacted]-5597,)
Respondent.)

95 APR 12 AM 9:46

RICHARD [illegible] CLERK

BOOK 9670 PG 800

ORDER APPOINTING CONSERVATOR
COMBINED WITH
ORDER TO SELL REAL PROPERTY TO PAY INDEBTEDNESS

This matter came to be heard on the 21st day of March, 1995, upon the Petition filed by Donna Marie Highers to appoint a conservator of the person and the estate of the above-referenced respondent, and to approve the sale of improved realty. Present for the hearing was: the Petitioner, Ms. Highers; the Guardian Ad Litem for the respondent, Rob McKinney, attorney at Law; the Petitioner's attorney, Amanda J. McClendon; and Sonya Fanning, daughter of the respondent who appeared pro se in support of Ms. Higher's petition. Based upon statements of counsel for the petitioner, the statements of the guardian ad litem for the respondent, the report of Charles Joe, M.D. and the entire file in this matter, the Court finds as follows:

That the Petitioner is one of three children born to the Respondent, Dorris Gene Panther. Mrs. Panther was born on October 15, 1935 and is a citizen and resident of Davidson County, Tennessee. Mrs. Panther is unmarried and a a widow, having been predeceased by her Husband, James H. Panther, on or about May 4, 1984. James H. Panther is also the father of the Petitioner and her two siblings. During his life time and thereafter, James H. Panther has also been known as J. H. Panther.

That Dorris G. Panther, also erroneously known as "Doris", gave birth to three (3) children during her life, namely: the Petitioner, Donna Marie Highers (Relationship-daughter); Sonya Michelle Fanning (Relationship-daughter); and John Timothy Panther (Relationship-son). These three persons are, pursuant to T.C.A. 34-11-101(3), the closest living relatives of the Respondent under the Tennessee laws of intestate succession. Pursuant to T.C.A. 34-11-106(b) no other person is entitled to notice of these proceedings since the Respondent is presently in a nursing home and was recently a patient at Southern Hills Hospital, neither of which fall within the intended meaning of the cited statute. Based upon the file in this matter it appears that

all necessary parties have been served and are properly before the Court.

It appears that the Respondent's medical history, as related by Charles Joe, M.D., is that, inter alia, she is in a diabetic coma and is also a quadriplegic. Since Dr. Joe rendered his opinion in the Report of Physician the Respondent has also suffered a fracture to her hip while in the care of Bethany Health Care Center. It appears that the Respondent is is need of a conservator to manage her estate and to make decisions regarding her personal and medical care and that the Petitioner, who involved herself in her mother's care for several years prior to the filing of the petition, is the fit and proper person to be appointed the conservator of the person and the estate of the respondent, Dorris Gene Panther, who is also erroneously known as "Doris".

It appears that the Respondent does not have any tangible personal property of any significant value. The main asset of the Respondent's estate is a small frame home located at 419 Moore Avenue, Nashville, Davidson County, Tennessee which the Petitioner asserts has a value of $40,000.00. At the time of the hearing, the Petitioner procured in open Court a written offer to purchase the realty for $44,000.00. The Petitioner and the Guardian Ad Litem concurred in the contracts approval and ratification by the Court.

It further appears that the estate may have a cause of action regarding the manner in which the Respondent, while in the care of a nursing home and while in a coma, fractured her hip. It is suggested and recommended that the liability of any party for the Respondent's injuries be thoroughly investigated by the conservator.

It also appears that the Respondent's indebtedness is such that after the payment of her legitimate indebtedness from the proceeds from sale of the improved realty, including the costs of this proceeding, that the funds remaining, if any be paid to the Probate Clerk for payment of the Respondant's funeral expenses and pending the formulation and approval of a Plan of Management. Until the funds remaining, if any, are released to the proposed conservator, the bond and accounting of the proposed conservator shall be waived.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** as follows:

1. That all necessary parties are before this Court.

2. That the Respondent, Dorris Gene Panther, was born on October 15, 1935. Mrs. Panther is a widow, having been predeceased by her Husband, James H. Panther, who died on or about May 4, 1984. It appears that the Respondent's medical history is such that the Court is of the opinion that the Respondent is is need of a conservator to manage her estate and to make decisions regarding her personal and medical care and that the Petitioner, who involved herself in her mother's care for several years prior to the filing of the petition, is the fit and proper person to be appointed the conservator of the person and the estate of the respondent, Dorris Gene Panther, and accordingly, the Petitioner is hereby appointed to serve in said capacity.

3. That the contact to purchase the Respondent's improved realty known as 419 Moore Avenue, Nashville, Tennessee 37203, is hereby approved and ratified by the Court, a copy of which is attached hereto and incorporated herein by reference as though fully set forth at this place. Upon the closing of the sale to purchase the realty, the proceeds remaining after payment of the real estate commission, standard closing costs, the past due property taxes, the lien to TranSouth (Book 6592, Page 974) and the lien to the Electric Power Board of the Metropolitan Government of Nashville (Book 8485, Page 342), the proceeds remaining shall be disbursed to the Trust Account of Amanda J. McClendon, Attorney at Law, First American Bank # 1001205337, and the Petitioner's attorney shall disburse funds as follows:

a. To the Guardian Ad Litem, J. Robin McKinney, Jr., the sum of $ 849.20 which the Court finds from his affidavit to be reasonable and necessary compensation as Guardian Ad Litem for the Respondent;

b. To Amanda J. McClendon, Attorney for the Petitioner, the sum of $2284.50. which the Court finds to be reasonable and necessary compensation for her services and out of pocket expenditures as attorney for the Petitioner;

c. To the Petitioner, Donna Marie Highers, the sum of $8,886.88 which is reimbursement to the Petitioner for her reasonable out of pocket expenditures in preserving the improved real property prior to filing her petition;

d. To the Petitioner, Donna Marie Highers, the sum of $ 543.00 which the Court finds to be her reasonable compensation in handling her mother's affairs to date and in bringing this petition.

e. The balance remaining shall be paid to the Probate Court Clerk. The Clerk shall first apply the proceeds to any existing court costs remaining unpaid. The balance remaining after payment of the Court costs shall be invested in an interest bearing account, to be withdrawn for further administrative costs and the ongoing needs of the Respondent or the Respondent's funeral expenses and the submission of a Plan of Care.

4. The Petitioner is excused from making any bond or making any accounting so long as no funds are held by her for the Respondent.

5. That in the event the tort action regarding the Respondent's broken hip appears to have merit, the Petitioner, prior to instituting any action, or accepting any settlement, shall move this Court for approval of same.

This 11 day of April, 1995.

James R. Everett, Jr. Judge

APPROVED FOR ENTRY:

Amanda J. McClendon, #11050
Attorney for the Petitioner
2806 Bransford Avenue
Nashville, TN 37204-3102
(615) 298-4466

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order was mailed, postage prepaid, to the Petitioner, the guardian ad litem, for the respondent, J. Robin McKinney and the respondent's two other children, John Timothy Panther and Sonya Panning on this 11 day of April, 1995.

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IDENTIF. & REFERENCE

95 MAY 12 PM 3:26

FELIX A. WILSON II REGISTER
DAVIDSON COUNTY, TN.

STATE OF TENNESSEE, DAVIDSON COUNTY

I Richard R. Rooker, Clerk of the Probate Court of Davidson County, State aforesaid, do certify that the foregoing is a full, true and complete copy of the original on file in my office. Minute Book 1,292 Page 550

Given under my hand and official seal, at office, in Nashville, this 12 of May 1995.

RICHARD R. ROOKER, CLERK

By Kim Y. Jackson
Deputy Clerk